

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BOARD OF TRUSTEES OF THE EMPLOYEE
PAINTERS' TRUST, et al.,

Plaintiffs/Judgment
Creditors,

v.

D. CIULLA FLOORING LLC, et al.,

Defendants/Judgment
Debtors.

CASE NO. 20-mc-0101-MAT

ORDER RE: CONSENT TO
PROCEED BY REMOTE
PROCEEDING

In response to an Amended Motion for Judgment Debtor Examination of Dominic John Ciulla (Dkt. 4), the Court requested plaintiffs/judgment creditors indicate whether the witness consented to examination by remote proceeding and, if not, citation to authority for the Court to order a remote examination without the consent of the witness (Dkts. 5 & 6). Plaintiffs/judgment creditors respond that, while LCR 30(b) encourages the parties to enter into a written stipulation on the taking of remote depositions, defendant has not appeared in this case and is not represented by counsel. (Dkt. 7 at 2.) They add that, "[i]n normal circumstances, when an ex parte application for judgment debtor examination is submitted, consent by the witness/debtor is not required." (*Id.*)

The Court finds an insufficient showing as to its authority to order a remote examination without the consent of the witness. Plaintiffs/judgment creditors must obtain the consent of defendant in order to proceed remotely and shall file a revised Proposed Order for Judgment

Debtor Examination confirming defendant's consent. If not received within **thirty (30) days** of the date of this Order, this matter will dismissed without prejudice to refiling.

DATED this 23rd day of February, 2021.



Mary Alice Theiler
United States Magistrate Judge